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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 15 February 1946, 1000-1300, Lord Justice Lawrence presiding.

THE PRESIDENT: There are certain matters of a procedural nature which the Tribunal desire to consider before they consider the question of an adjournment. According, they will not sit tomorrow in open session for consideration of the question of an adjournment, but they will sit tomorrow morning at 10 o'clock in closed session for the consideration of these matters of a procedural character, and they will sit on Monday morning at 10 o'clock for half an hour to hear argument in open session on the question of an adjournment, one counsel being heard on each side and only for 15 minutes.

COLONEL SMIRNOV (Counsel for the USSR): I interrupted the quotation of a document on page 3 of the document file, second paragraph, first column of the text. I consider it possible to skip many items of this document, as these facts simply confirm further the general conclusions which were expressed in the beginning of the document, and which were already confirmed by many facts read into the record by me yesterday. I only beg the Tribunal to allow me to draw its attention to the conclusion of the note, which the Tribunal will find on page 3 of the document, second paragraph, first column of the text. It states that the civilian inhabitants were sent forcefully to concentration camps, artificially and illegally increasing the number of prisoners of war, and supporting the inhuman regime which was established by the German fascist authorities as regards prisoners of war.

I submit to the Tribunal further an extract from the minutes of the court-martial of a military tribunal of the 374th Liroban Infantry Division, held on 29 October 1944. This document is submitted as USSR Exhibit 162. The Tribunal will find this document on page 67 of the document file.

DR. KAUFMANN (Counsel for Defendant Kaltenbrunner): I would like to make two motions with regard to the present question: The first motion is that I would like to ask, with reference to Article 21, to prohibit the reading of documents, inasmuch as these documents do not contain definite information about the source for the information therein contained.

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Second: The reading of statements, written statements, which are only summary information, without own experience, and to permit the reading of such statements only if the cross examination of the author as a witness is possible.

May I say the following: Article 19 of the Charter permits every proof which has probative value. Article 21 leaves the Court the responsibility to ask for proof and for documents of so-called "investigation committees." Since the purpose of both articles, however, is to facilitate the submission of proof, the admission of written statements of various kinds leads to the danger that such statements would discriminate against an entire people and entire nation. Then the demand of the Defense seems to be justified to admit only such proof, such documents, where this danger has been eliminated as far as possible.

Many of the written statements read by the Russian Prosecution, and excerpts from committee reports, have had no probative value; but, furthermore, since they cannot be checked--their contents cannot be checked--they design to give a wrong impression about historical events.

THE PRESIDENT: Why doesn't it come within the last two lines of Article 21: "The records and findings of military or other tribunals of any of the United Nations"?

DR. KAUFMANN: The Defense is of the opinion that Article 21 permits an interpretation. Article 21 permits the reading of such documents and such reports, but doesn't say anything about the fact to what extent it has to be possible for the Defendants' Counsel to check the sources upon which these reports are based. We are of the opinion that the witnesses who have been questioned, for reasons of compassion, have not been in a position to describe the events objectively. As jurists we know that it is exceedingly difficult to describe even simple events truthfully. Therefore, we have the duty and the responsibility for the German people to try to check these sources and to help thereby to explain and clarify the course of events, which we see somewhat differently.

THE PRESIDENT: Defendants' Counsel will have the opportunity at the proper time of criticizing any evidence which is offered by the Prosecution. They will be able to point out whether it is probable that certain evidence was given out of sympathy; they will be able to criticize the evidence

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which is given in any way they choose at the proper time. But this is not the proper time.

Article 21 is perfectly clear, and it directs the Tribunal to take judicial notice of the various documents which are there set out, and expressly refers to the records and findings of military or other tribunals of any of the United Nations. This is a record and finding of a military tribunal of a Soviet court. Therefore, the Tribunal is directed in express terms by Article 21 to take judicial notice of it. That doesn't prevent Defendants' Counsel, when they make their speeches in defense, from criticizing the evidence upon which that record and findings proceed, but to say it ought not to be admitted appears to me, at any rate, and I think to the other members of the Tribunal, to be really entirely unfounded as an objection.

COLONEL SMINOV: May I continue? Thus, the document which has been submitted to the Tribunal will be found on page 67 of the document file. I will allow myself to repeat in my own words the biographical data concerning the defendant LeCourt, who was brought to trial.

This was a non-Party senior corporal of the German Army, 27 years old. He was born and lived before the war in the town of Strafgardt; was owner of a movie theater, and was later mobilized in the army, where he served in the 1st Company of the 4th Airborne Division. I begin to quote the statements in evidence given by LeCourt, beginning with paragraph 2. The Tribunal will find this place in the document book on page 68, fifth paragraph. LeCourt stated:

"Prior to my capture by Red Army soldiers, that is, before the 4th of February, 1944, I served as laboratory assistant in the Bicycle Company of the 2nd Regiment of the 4th Air Force Infantry Division in the Headquarters of Air Field Service E 33/XI.

"In addition to the photographs, I handled other work when not on duty, that is to say, I spent my free time to satisfy my own interest by shooting Red Army prisoners of war and peaceful citizens and soldiers. I used to jot down in a special book the number of prisoners of war I had shot and peaceful citizens I had shot."

I skip three paragraphs describing the shooting of prisoners of war by LeCourt, and continue the quotation.

THE PRESIDENT: Colonel Sminov, the passage that you read a moment ago

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about jotting down the numbers in his book doesn't occur in the translation which is before me. I don't know whether it is in your original. I suppose it is. Are you sure it is in the original?

COLONEL SMIRNOV: I will again verify in the book of documents this extract which I am quoting. It is exactly corresponding to the text.

THE PRESIDENT: Very well. I only wanted to be certain that it was in the original, as it does not occur in the translation before me. You can continue.

COLONEL SMIRNOV: I interpreted the quotation on page 58, and skip three paragraphs. Thus, I have reached page 69. That is why the President of the Tribunal did not perhaps find the sentence I mentioned. I continue the quotation:

"Besides the shooting of prisoners of war, I also shot partisans, peaceful citizens, and burned houses, together with their inhabitants.

"In November 1942 I participated in the shooting of 92 Soviet citizens.

"From April to December 1942, while a member of the Air Force Infantry Regiment, I participated in the shooting of 55 Soviet citizens. I took care of the actual shooting."

I skip a paragraph and continue:

"In addition I participated in punitive expeditions and put the torch to houses.

"Altogether more than 30 houses in various villages were burned down by me. I arrived in the village with the punitive expedition, entered the houses and warned the population that no one was to leave the houses, as we would burn the houses. I set fire to one house, and if anybody tried to save himself---nobody was allowed to leave--I drove him back to the houses or shot him. In that way I burned more than 30 houses and 70 peaceful citizens, mainly aged men, women, and children.

"Altogether I have personally shot 1,200 persons."

I skip six paragraphs and quote further. You will find this on page 70 of the document book:

"The German High Command promoted in every way the shooting and killing of Soviet citizens. In recognition of good work and service in the German Army, which found expression in the shooting by me of prisoners of war and

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Soviet citizens, I was promoted, before my promotion was due, on 1 November 1941, to the rank of senior corporal. This promotion should have come about the 1st of November 1942, and I was awarded the East Medal."

LeCourt was in no way an exception, and in confirmation of this I will now refer briefly to the verdict of the trial held in the town of Smolensk by the district military tribunal against a group of former members of the German Army who werebrought to justice for committing atrocities against peaceful citizens andprisoners of war in the town of Smolensk. This document was submitted to the Tribunal by my colleague, Colonel Pokrovsky, as USSR Exhibit 87, and joined to the record of the present trial. The Tribunal will find this document on page 71 of the document book.

I skip all the general part of the verdict, and beg to be allowed to draw the attention of the Tribunal to that part of the verdict which is in the ninth paragraph on page 71 of the document book, which says that in only 80 graves which were disinterred and examined by legal-medical experts in the town of Smolensk and in the district of Smolensk, over 135,000 corpses of Soviet citizens, women, children, and men of various ages, were discovered.

I skip two pages of the verdict and come to that part of the document which gives a characterization of the criminal deeds of individual defendants brought to trial under these charges. I will not quote all ten defendants, but only two or three of them. I begin with Hirschfeld.

The Tribunal will find this part on page 73 of the document book. This is the sixth paragraph of the text. I quote:

"Hirschfeld was interpreter for the Germany Military Command in the District Kommandatur. He personally flogged and seized for treason quite innocent Soviet citizens, without consideration for sex and age and forced them to false statements. On receiving these false statements, the arrested persons were shot by the Kommandatur troops. Hirschfeld participated personally in the annihilation of Soviet citizens in Smolensk in May 1943 by means of asphyxiation through carbon monoxide in gas vents. In January and February, 1943, he participated in punitive expeditions against partisans and against peaceful Soviet citizens in the district of Newel-Uswjati. While he was commanding the German punitive unit, he committed, together with his soldiers, acts of violence against the peaceful populations."

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THE PRESIDENT: Colonel Smirnov, in the Tribunal's translation in English, we have missing pages from 34 to 45. Do you think that those pages could be found? On our pages--I think your pagination is different--but the document that you are now referring to, USSR 87, begins on page 34 of our translation, and the translation then skips to page 45.

COLONEL SMIRNOV: Mr. President, I am not quoting the numbers of pages of the translation, but the pages of the document book.

THE PRESIDENT: Yes, I follow that, but I was only wondering whether, by a slip possibly, that these pages had been translated and perhaps hadn't got into our copy of the documents, and

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whether they could be found. We have 11 pages missing. I am told that --

COLONEL SMINOV: Mr. President, I have not yet seen the translation. If the President will allow me, I will verify the translation, and will bring the translation file to order.

THE PRESIDENT: Go on in the meantime.

COLONEL SMINOV: Allow me to continue.

"While commanding a German punitive unit, together with his soldiers, he committed acts of violence against the peaceful population, and together with his subordinates, burned nine Soviet villages and hamlets. They completely robbed peaceful Soviet citizens, who had come out of the woods to the places of their burned-down homes in order to search for food products. He participated in the deportation of Soviet citizens into German slavery."

I will allow myself to quote still another excerpt concerning the defendant named Modisch who was an assistant in the German Military Hospital Number 551. The Tribunal will find this part on page 73 of the document book, the last paragraph:

"Modisch was a sanitary assistant in the 551 German Military Hospital in the city of Smolensk from September 1941 until April 1943. He was an eye witness and immediate participant in the killing of prisoners of war, wounded soldiers and officers of the Red Army, upon whom the German professors and doctors, Schemm, Getto, Meuller, Ott, Stefan. Wagner and others carried out, under the pretext of a cure, various experiments with previously unknown biological and chemical medicines. After that, the wounded prisoners of war were infected with blood poisoning and killed."

I quote further:

"Modisch himself killed by means of injections of great quantities of Strophantin and arsenic no less than twenty-four prisoners of war, both Red Army men and officers of the Red Army. In addition, he used, in order to cure German military personnel, the blood of Soviet children, ranging in age from six to eight years, by taking great quantities of blood from them, after which the children died. He extracted from Russian prisoners of war the spinal fluid, whereupon they suffered paralysis of the arms and legs. He participated also in the plundering of Soviet medical

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institutions in the city of Smolensk ".

I skip another page in the document. The Tribunal can convince itself that every one of these ten defendants brought to trial committed such a long series of crimes that, according to the laws of any civilized country, they would be condmened to death. I quote as an example one of the charges proved during this trial regarding the defendant Gaudian. This is the last paragraph of page 74 and then on page 75 of the document book. I draw the attention of the Tribunal to the fact that Gaudian raped seven young girls and then killed them.

I conclude this prt by quoting only three lines. We read at the part of the verdict which concerns Gaudian:

"In the month of July 1943 with his participation, sixty inhabitants of the district of Osipowitschi were burned in a stable."

I skip a part concerning Hentschke and quote only four lines, five lines, on page 75 of the document file from that part of the verdict which concerns Mueller, a lance corporal in the 335th Guard Battalion:

"On various occasions, the defendant Mueller killed 96 Soviet citizens, among them old men, women andbabies. Mueller raped 32 Soviet women, of whom six were killed after having been raped. Among the women raped, some where fourteen or fifteen year old girls.

I will not continue this quotation. I believe that the nature of these criminals, seven out of ten of whom ended their lives on the gallows, has been made clear to the Tribunal, but in order to characterize, not those who committed the crimes, but those who were actually responsible for the lives of the population of the occupied territory in the East. I beg the Tribunal to allow me to turn to the diary of the defendant Hans Frank, which has already been submitted to theTribunal by our American colleagues as US Exhibit 2233-PS. We quote certain extracts from this diary as USSR Exhibit 223. The Tribunal will find these excerpts on page 78 of the document book. I quote that part of the excerpt which the Tribunal will find on page 86 of the document book, third paragraph, the first column of the text.

On 6 February, 1940, Frank gave me an interview to the Voilkischer Beobachter correspondent, Kleiss. I quote this interview:

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"Interview given by the Governor General to the Voelkischer Beobachter correspondent, Kleiss, on 6 February 1940, page 3:

"Kleiss: It might be interesting to develop the thesis which distinguishes a protectorate from a government general.

"The Governor General: I might, for example, state the following: In Prague, for instance, there were hung up red posters announcing that seven Czechs had been shot that day. I then said to myself; 'If I wished to order that one should hang up posters about every seven Poles shot, there would not be enough forests in Poland with which to make the paper for these posters. Indeed, we must act cruelly'."

The offensive on the Western Front, which began on May 10, 1940, diverted the attention of world public opinion fromthe crimes committed under the personal direction of Frank, and permitted Frank to have several thousand representatives of the Polish intelligenzia condemned to death by courtmartial and physically exterminated.

I quote Frank's statement at the police conference held on 30 May 1940, where this crime was finally decided upon. I begin this quotation on page 86 of the document book, sixth paragraph, first column of the text:

"On the 10th of May began the offensive in the West, and on that day, the whole world lost interest in the events which are taking place here. It would be quite indifferent to me whether all that which the awful propaganda and slander throughout the world alleges the National Socialist authorities to be doing in these districts was worrying the Americans, the French, the Jews, or the Pope in Rome. However, it is awful for me and for every one of you to hear unceasingly in the course of all these months from the Ministry of Propaganda, from the Ministry of Foreign Affairs, from the Ministry of the Interior, and even from the Army, that we are establishing a regime of murder, that we are to cease these crimes, and so forth.

"It is evident, of course, that we had to proclaim that we would no longer to this. It was also evident that as long as these districts were under the cross fire of the whole world, we were deprived of the possibility of undertaking something similar on a vast scale.

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"However, since the 10th of May, we attribute no importance whatever to this awful world propaganda. We must exploit the convenient moment."

I skip now two paragraphs and continue with the quotation:

"I admit frankly that thousands of Poles will pay with their lives for this, and it will be, in the first place, the leading representative of the Polish intelligenzia.

"We National Socialists are obliged by this epoch to insure that the Polish people shall no longer be in a position to offer resistance."

I draw the attention of the Tribunal to this sentence in particular:

"I know what responsibility we are thus assuming."

I skip one paragraph and continue the quotation, which the Tribunal will find on page 86 of the document file, first paragraph.

"Furthermore, SS Obergruppenfuehrer Krueger and I have decided that the pacification measures will be speeded up.

"I pray you, gentlemen, to help us with all energy in fulfilling this task. As regards myself, I will do everything in order to facilitate its execution.

"I appeal to you as the champion of National Socialism, and I have nothing else to say. This measure will be carried out by us, and, speaking frankly, it will be in accordance with an order given me by the Fuehrer. The Fuehrer told me, 'The problem of German policy and the fulfillment of its execution in the area of the Government General is a purely personal duty of the responsible persons in the Government General'.

"He expressed himself as follows: 'It is necessary to liquidate the leading kernal actually existing in Poland. Those who will grow up later must be apprehended, and then, after a period of time, liquidated in their turn.'

"That is why in order not to burden the Reich organization of the German police with this task, we must not intern these elements in German concentration camps, because then we would have fresh worries, and we would have to carry on unnecessary correspondence with their families. We will liquidate them in the country itself. We will do that in the simplest form."

I conclude this quotation and pass on to page 87, second paragraph, first column of the text. I think that this quotation is characteristic, for

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it was precisely Frank, as the diary proves, who first thought about the creation of special concentration camps, later officially known as "Vernischtungslager" or "Camps for Destruction" -- extermination camps. I quote the same speech of Frank:

"As to the concentration camps, it is evident that we do not wish to organize in the Government General concentration camps in the exact sense of the word. Every suspected person must be immediately liquidated. If internees from the Government General are now in concentration camps of the Reich, they must be subjected to operation AB or liquidated on the spot."

I quote further from the same speech -- further excerpts from the diary of Hans Frank concerning the year 1940. The Tribunal will find this place on page 94 of the document book, fifth paragraph, first column of the text. I quote:

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"We can't expect the concentration camps in the Reich to take care of our own affiars. It is terrible how much trouble we have had with the Cracow professors. If we had started the thing right out here, it would have come out differently. This is why I want to ask you very persistently that never again shall we send anyone to the concentration camps of the Reich but that we liquidate or conduct other necessary punishment on the spot. Everything else is too much bother for the Reich and always leads to difficulties. Here we have an entirely different method of treating people, and we must stick to our own local methods. I want to draw your attention to the fact that even if peace is concluded, nothing will change in our treatment. Peace will merely mean that then, as a world power, we will carry into life the same general political line, only with greater intensity."

I think I can draw the attention of the Tribunal to the fact that all the major extermination camps were indeed located on the territory of the Government General.

There was its own periodicity or cycles in the Fascist crimes and in the proportions they assumed, and if in 1940 Frank made a long speech to the policemen justifying the so called actions with regard to several thousand Polish intellectuals, then on the 19th of March, 1944, in his speech at the Reichstag, he stated--I quote from page 93 of the document file, third paragraph, second column:

"13th of March, 1944, Speech at Reichstag.

"Dr. Frank: If I would go to the Fuehrer and tell him, 'My Fuehrer, I am reporting to you that again I just destroyed 150,000 Poles,' he would say, 'Fine, if it was necessary.'

This Fascist specialist on jurisdiction annihilated in the territory governed by him and which fell only temporarily into the hands of the Fascist invaders, at least three million Jews. On this occasion Frank said -- and I quote the speech at labor meeting of NSDAP in Cracow the 4th of March, 1944. The Tribunal will find this excerpt on page 93 of the document book, second paragraph, second column of the text:

"Dr. Frank: If there is some compassionate soul today who cries out about the Jews and says, 'Isn't it awful what is being done to the Jews,' then we should ask him if he still has the same opinion today. If today we had in the country two million Jews on one side and a few Germans on the

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other, taking into consideration the Jewish energy, we wouldn't be the master of the situation. The Jews -- it is a race that must be destroyed. Wherever we catch even one, we will do away with him."

I pass on to that part of Frank's diary --

THE PRESIDENT: Shall we adjourn now?

(A recess was taken.)

COLONEL SMIRNOV: I received some information on those eleven pages which were not incorporated into the English text and the eleven pages were given to you. Is it true sir?

THE PRESIDENT: Please do.

COLONEL SMIRNOV: May I continue?

THE PRESIDENT: Yes.

COLONEL SMIRNOV: So I am quoting now from Frank's diary ina place which the Court will find on page 93 of the document file, in the second column of the text, second paragraph, entitled with the subtitle, "The meeting of political leaders of NSDAP in Cracow, on January 15, 1944."

"DR. FRANK: I was not ashamed to state that for every German killed, up to a hundred Poles will be shot."

In these dark days the Polish people treated Frank's victims as martyrs. The Polish people cherished their memory. Scaffolds and shootings did not inspire fear but a will to resist and to struggle.

That is the reason it seems to me that on the 16th of December, 1942, at a Government meeting in Cracow Frank stated -- I am quoting excerpts from the diary on page 92 in the document book, third paragraph after the heading, the first column of the text:

"We must figure out whether it will always be wise to execute at the precise spot where the attempt to murder a German was made.

"We must also figure it out whether it wouldn't be possible to organize special spots where executions take place, as it is definitely established that the Polish population simply streams to the accessible places of execution, where it gathers the earth soaked in blood and takes this earth to church."

I brought Frank's diary to your attention, Your Honors, because he was one of Hitler's closest associates and because this very well-known "learned" jurist of Fascism was actually a positive "alter ego" of those who cut in two

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the bodies of children in the Yanov Camp and was at the same time one of the creators of that part of the legal code of the German Fascists which completely negated justice.

After all, the whole juridical wisdom of "Mein Kampf" fundamentally comes down to just one formula, that is, that "might is right." I studied this book and it comes down to that fundamental principle. I quote the 64th Edition, page 740.

Frank was to Hitler that necessary evil gnome of jurisprudence whom Hitler needed to clothe in legal form the inhumane theories of Fascism.

And how far Frank's directives went, containing as they did all of Hitler's orders how deep they descended in degradation of the basic ideas of justice which are incorporated in the criminal and civil law of all civilized people, can be seen in the order set forth in document which I am bringing now to the Tribunal, one of Frank's directives published in the official bulletin of the Governor General. It is dated the 2nd of October, 1943, and it is being presented by the Soviet delegation as Exhibit USSR-335. The Tribunal will find the document on page 95 in the document book. I quote the document at length, in full:

"A decree concerning the battle against attacks upon German construction in the Government General.

"2 October 1943.

"On the basis of Section 5, paragraph 1 of the Fuehrer's decree of 12 October 1939 (Reichsgesetzblatt, volume 1), I decree the following until further notice:

"Section 1.

"(1) Non-Germans, who violate laws, decrees or directives and orders of the authorities, with the object of hindering or disturbing German construction in the Government General are to be punished by death.

"(2) Paragraph 1 does not apply to subjects of countries allied to the Greater German Reich, nor does it apply to subjects of countries not at war with the Reich.

"Section 2.

"The abettor and the accomplice will be punished in the same manner as the one carryoug out the deed, the attempted deed as the completed deed.

"Section 3.

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"(1) The summary courts of the Security Police shall be the competent authority for passing out sentence.

"(2) For exceptional reasons, the summary court of the Security Police may hand over the matter to the German prosecution.

"Section 4.

"The summary courts of the Security Police are composed of one SS Fuehrer of the office of the Commander of the Security Police and of the Security Service, as well as of two members of this office.

"Section 5.

"(1) There shall be ordered:

1. The names of the judges,
2. The names of those sentenced,
3. The evidence on which the sentence was based,
4. The offense,
5. The date of sentence,
6. The date of thecarrying out of the sentence.

"(2) For the rest, the summary court of the Security Police will determine its procedure upon proper consideration.

"Section 6.

"The sentences passed by the summary courts are to go into effect immediately.

"Section 7.

"In so far as a crime as defined in Section 1 and 2 of this decree constitutes another crime punishable by summary court procedures, only the procedural provisions of this decree are applicable.

"Section 8.

"This decree is effective as of 10 October 1943.

"Cracow, 2 October 1943.

"Signed: The Governor General, Frank."

In this manner, point one of the first paragraph established one single punishment, that is, death, for practically any action of the "Non-German," regardless of whether such action was classified by the German Overlords as constituting a breach of law or a violation of an administrative order.

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The same punishment was to be administered for any attempt at action interpreted as directed against the Germans and which for that reason any police official could so classify (paragraph 2 of the above-quoted document).

The defendant had no procedural rights and no guarantees. The document which in accordance with paragraph 5 was to take the place of the court verdict was, as it is evident from the questions which had to be recorded in

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writing, actually was for the purpose of registering in written form the individual point of execution. It was not at all for the purpose of guaranteeing that the punishment was legal or had any basis.

All appeals to the higher authorities were forbidden. The verdict was to be executed immediately.

And, finally, even the court procedure itself, founded on the basis of Frank's directives, was actually merely a mockery of justice. The court--and it seems to me that word "court" should be in quotation marks--consisted of three officials of the same SD which kept arresting innocent people on the streets of Polish towns and organizing wanton mass shootings of hostages.

How justified are the conclusions which are made by me on the basis of the aforementioned document, you shall see from the text of another document submitted to the Tribunal as USSR Exhibit number 332. The document which is being turned over to the Court is the original copy of the minutes of interrogation of the attorney, Stefan Korbonski, and is also a translation of the document into Russian, which was certified by the members of the Polish delegation. Stefan Korbonski lives in Warsaw according to information received from the Polish delegation, and should the Tribunal want to call Korbonski for cross-examination, he can be brought in here.

I shall take the liberty to express in my own words the introductory part of the document.

After having been sworn--on the 31st of October, 1945--Stefan Korbonski, who is a lawyer, was interrogated and testified that he was one of the leaders of resistance among the Polish people to the German invaders. In the second half of the minutes the Tribunal will find a place in the document book, on page 98, and it goes on to page 102. Stefan Korbonski mentions exactly the same directives of Frank's which were read into the record by me just now. In paragraph one of the examination he states that in the beginning

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of October, 1943, when the Germans posted the walls of the houses in Warsaw and other cities of the Government General, they posted the text of that particular order of Frank's which was read into the record by me.

I omit the first part on page 99 in the document book. I shall read the quotation that I do, because it seems to me that this document is very characteristic.

"Soon after the publication of this decree and quite independently from the increasing number of death penalties secretly applied by the Germans in what used to be the Warsaw Ghetto, and in the Warsaw jail, which was called 'Pawwiac,' the Germans began to introduce public executions, that is, shooting of large groups of Poles, from 20 to 200 persons.

"These public executions were performed in the various districts of the city, in streets usually opened to normal traffic, which were then surrounded by the Gestapo guards, so that all the population caught within the surrounding district would have to watch the execution either from the street, or from the windows of the houses in the neighbourhood.

"The person shot during these public executions consisted either of members of the 'Pawwiac' or other persons arrested in the street by other means as well, and sometimes even the people caught immediately before the execution at a number of these public executions, as well as the number of persons executed each time kept increasing until it reached 200 persons. These executions continued up to the very beginning of the Warsaw insurrection. At first the Germans brought the Poles to the place of execution in covered trucks. They were usually in civilian clothes, and sometimes their hands were tied behind their backs, but when the victims were thus brought to the place of execution, they would usually shout, "Down with Hitler," "Long Live Poland," "Down with the Germans," and similar things. It was then that the Germans took steps to

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minimize the possibility of any such disturbances, and began to fill their mouths with cement, or seal their lips together with tape. The victims were brought from the 'Pavwiac' clothed in shirts, or in clothes made out of paper.

"I used to receive, quite often, information from our underground organization, and through our agents who were working in the Pavwiac jail, that shortly before the execution the Germans sometimes performed operations on the condemned. They would let out the blood and would inject various chemical substances to cause physical weakness, and thus prevent attempts for escape or for resistance.

"For that reason the condemned were brought to the place of execution pale, weak and apathetic, so that they were barely able to stand on their feet. Even so, they acted as heroes and never begged for mercy.

"The bodies of those who were shot were loaded on the trucks by other prisoners and were taken to what used to be a Ghetto, where, usually, they were burned. The prisoners whose duties it was to transport and to burn the corpses were primarily prisoners from the prison of Pavwiac, and were always appointed to this task.

"The Polish population immediately covered with flowers the blood spots which were left on the ground. Lighted candles were placed where the corpses were laid, and on the walls surrounding the places crosses and ikons were displayed. During the night members of the underground or resistance organizations would put an inscription in lacquer on the walls, such as 'Glory to Heroes," 'Glory to those who Perished for the Fatherland,' and so forth. When the Germans would notice these inscriptions they would arrest anybody who happened to be on the spot, and would take those persons to the Pavwiac prison. Sometimes the Germans would shoot at groups of men who were kneeling and who were praying right in those places where executions had taken place, such as, for example, on Senator'

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Street where several people were shot and besides quite a few were wounded.

"After each public execution the Germans would put on the walls of houses lists of those who were just executed, and under each name there would be a number of hostages listed who would also be shot in case German regulations were not obeyed.

"In Warsaw alone the Germans shot several thousand Poles by this method of public execution. That is not counting victims who were shot in other towns. In the Cracow District several thousand men were similarly shot."

In this manner Hans Frank's directive, which I have already submitted to the Court, was realized in life. It becomes clear from Korbonski's testimony why, on the 16th of December, 1943, there appears in Frank's--

THE PRESIDENT: Shouldn't that be 1942?

COLONEL SMIRNOV: The 16th of December, 1943, Mr. President. I will check that.

THE PRESIDENT: It reads "1942" in our document.

COLONEL SMIRNOV: My Lord, evidently the translation is wrong. I am checking it with my text, and on the 16th

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of December, 1943, the government meeting in Cracow took place.

May I check it once again from the text?

THE PRESIDENT: Well, in our statement of the document it is translated as 16 December, 1942. It is wrong in one place or the other.

COLONEL SMINOV: In the testimony itself, in paragraph 1, Korbonski mentions that in the beginning of October, 1943, the Germans -- and so on. That is in the testimony itself. If the Tribunal will refer to the original of the document you will find, in paragraph 1, "at the beginning of October 1943."

THE PRESIDENT: I see; it is 1943. It was wrongly translated in the first place.

COLONEL SMINOV: Yes, 1943.

May I continue?

THE PRESIDENT: Yes.

COLONEL SMINOV: Thank you, sir.

It was on Polish territory that for the first time the legal code of the right of the "Master Race" and the lack of right for the subject peoples or for the peoples whom the fascist "Master Race" already conquered was first applied.

To characterize these laws I shall take the liberty, if Your Honors please, to refer to two short excerpts from the report of the Government of the Polish Republic, which has already been presented to this honorable Court by my colleagues as USSR 93.

As the first excerpt I shall read into the record a paragraph which will be found on page 110 in the document file, the section dealing with Germanization of Polish law. It is the fourth paragraph after the heading, and I shall quote only two paragraphs of this section:

"In the Government General the mechanics of justice were especially changed by the decree of October 26, 1939. It bears Frank's signature.

"Polish law courts were subordinated to German law courts, which had been established within the Government General. They could only judge such cases in which the German law courts were not competent. New principles of law became valid. Penalties were imposed according to intuition; the defendant was robbed of his right to choose a defense counsellor and of the

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right to appeal. German law was introduced and Polish law was Germanized."

I shall omit the following quotation of this particular part of the report, and I shall continue to quote at page 51 of the Russian text. The Court will find it on page 129 in the document book, the third paragraph of the text entitled "Legal Murders." That is page 129, the third paragraph, under the heading "Legal Murders." I shall quote only a few excerpts from it:

"On the 4th of December, 1941, Goering, Frick and Lammers signed a decree which put all Poles and Jews within the annexed territories outside of the law. The decree made Poles and Jews into a different and second-class group of citizens. According to the sense of this decree, Poles and Jews were forced to render unconditional obedience to the German Reich, but on the other hand they had, as second-class citizens, no right for the protection of the laws as other citizens enjoyed this right."

I omit one paragraph and I shall continue the quotation in that part which deals with death sentences. It begins this way:

"Death sentences were also permissible in the following cases:

"1. Removal or public damage of posters placed by German authorities.

"2. Acts of violence committed against members of the armed forces.

"3. Insult of the Reich's prestige or honor, or violation of her interests.

"4. Damage of property belonging to German authorities.

"5. Damage of objects destined for public works.

"6. Attempted disobedience to directions and orders published by German authorities, and some other cases, which would really only justify a sentence of a short time in jail."

I shall omit one passage and I shall limit my quotation to this:

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"The Poles were forbidden, in accordance with the official directives of the Nazis, to have relations with Germans, so that the noble blood of Herrenvolk would not be dishonored. Whoever would attempt to do this, of course, took his life in his own hands. But not only the court, the German law court had to impose judgment in these cases. It was considered as unnecessary to start a long law suit. A common order by the police was enough to rob people of their lives."

I conclude this quotation and I pass on to the next phase which in the report of the Czechoslovak Government, is referred to as the "Judicial Terror". It seems to me that "Legal Terror" is the correct term.

In this country also we can follow systematically the destruction on the part of the Hitlerites of all the accepted moral and legal forms of conduct. The report of the Czechoslovak Government, already submitted to the Tribunal by my colleagues as USSR Exhibit No. 60, narrates in detail this process, beginning with the so-called people's courts, and ending with theorganization of the so-called Standgerichte. I really do not know how to translate this property, so I use this term "Standgerichte", familiar to us already from this picture of the Nazi arbitrary activities in Poland.

This process of the deterioration of legal forms, or their collapse, is narrated in the report in too great a detail, so therefore I shall use only a few short excerpts. I shall begin my quotation on page 162 of the document book, the last paragraph. I begin:

"The granting of the power to proclaim a state of civil emergency was already applied on the28th of September, 1941. Through a decree published the same date, which was signed by Heydrich, a state of civil emergency was proclaimed for the territory of the Oberlandrat Prague, and, a few days later, for most of the remaining parts of the protectorate.

"Standgerichte, which were set up immediately, were active during the entire period, and they proclaimed 778 death sentences. All were executed, and 1,000 perople were turned over to the Gestapo, that is, to concentration camps."

I omit the end of the paragraph, and I quote the following paragraph:

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"The only directive as to who may take over positions of judges in the Standgerichte is really in the decree of the 28th of September, 1941."

I omit the rest of the paragraph and I go to page 163, fifth paragraph. I begin this way:

"The decree does not indicate as to who may take over the position of judge in the Standgerichte, whethr the judges should be professional people or laymem, and whether the sentences are to be decided by a jury or only by a judge. The decree merely stated: 'Standgerichte may be set up by the Reichs Protektor; he is competent to choose people who are to carry out the duties of the office of a judge.'"

I omit the following, and I continue the quotation at page 163, the last paragraph:

"Referring to the information that we have at hand so far, on the baris of this information the judges in the Standgerichte were professional judges only in exceptional cases. As a rule, the most important attribute was political reliability. That is the reason why judges were, one could almost say without exception, members and executives of the NSDAP or other National Socialist organizations; that is, people who, with some exceptions, possessed not the slightest knowledge of law, and had no experience in criminal trials."

I omit the following excerpts and I shall continue the quotation at page 166 of the document book, at the beginning ofthe last paragraph, and I will then go on to page 167:

"Standgerichte were never held publicly. Inasmuch as the public was excluded from the pre-trial investigations, the very existence of this tribunal increased the doubts of safety. There was no appeal against sentences passed by Standgerichte. The record of the investigation and the trial contained only the list of the names of judges, of the defendants, and the witnesses, and also the nature of the crime and the date of the sentence. That is Part 4, paragraph 2 of the decree.

"The establishment of such courts which render such meager information has only one purpose in mind, and that is to prevent any sort of control and to keep in silence everything which took place in the trial,

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so that all traces of everything done was covered.

"According to paragraph 4, Standgerichte could only pass the death sentence or turn over thedefendants to the secret Gestapo."

I shall omit the following paragraphs where there are certain general comments on the same matter, and I shall continue my quotation at page 169, the first paragraph:

"Sentences passed by the Standgerichte must be carried out immediately. (Part 4, Paragraph 3 of the decree). Many examples have demonstrated that this brutal National Socialistic legislation was never carried out in milder form. At the end of the so-called trial, it was left to the judges to decide whether the condemned should be shot or hanged. (Section 4, Paragraph 3 of the decree). One did not grant to the condemned person even a short reprieve in order to prepare for death. A pardon was not even taken into consideration, in the decree. In any case, it would have been impossible in view of the brutal haste with which the sentence of the summary courts was carried out."

I shall conclude this extract, as well as the whole section devoted to theterroristic legal laws in Czechoslovakia, with a quotation from page 169, the fourth line from the top, and further:

"It is quite evident that the summary court cannot be considered as tribunal, which, in accordance, with general opinion, should be characteristic of a tribunal; and also, that the procedures of the trials of the Standgerichte were really in violation of all the principles of all the laws of all civilized people. Standgerichte cannot be really called a tribunal, and its trial procedure cannot be called really a trial and trial sentence. I think the proper term would be 'verdict.'

"The executions, conducted as the carrying out of verdicts of summary courts, differ in no way from other executions without trial. They must be classified as murders.

"It is impossible to find, in the regulations which determined the methods ofprocedure of the Standgerichte, even a trace of humaneness. For instance, the regulation which sets out that the sentences orthe verdicts shall be carried out immediately, and the fact that it does not give to the condemned even the smallest reprieve to prepare for his death, is

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really a form of brutality which, like the institute of Standgerichte as a whole, was meant to serve the purpose of terrorizing the population."

I shall conclude the quotation with this excerpt and I shall take the liberty of remarking that the institution of Standgerichte did not exclude all sorts of condemnations by the police, by a simple procedure which was established by Frank in Poland.

It seems to me that all laws which were cited by me before, from testimony, were laws which should be punishable as crimes.

They really tried to create a court of law which really created crimes, and specifically for this purpose the so-called laws were created.

If Your Honors please, I shall now pass on to the theme of terroristic laws and directives of Hitlerite criminals regarding the civilian population of the Soviet Union.

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However, having started the criminal war against the USSR, the German Fascist gang of bandits considered these laws and "legal" principles, especially created for the justification for thier crimes insufficient.

I would, of course, with the Tribunal's permission like to read to the Tribunal three lines of the document previously presented to the Tribunal. I am referring to Document L-221, which was submitted to the Tribunal by the American prosecution. This is Hitler's reply which was thrown at Goering at the conference of the 16th of July, 1941. The Tribunal will find the place on page 189 in the document file in the first paragraph, first line.

THE PRESIDENT: That document has been read already.

COLONEL SMINOV: Yes, Your Honor. I shall take the liberty of quoting only three lines of this document with your permission, sir.

THE PRESIDENT: Well, go on, but I think that the rest of the page which you are reading is all comments and you can go straight on to the next document. Read the three lines.

COLONEL SMINOV: I would like to cite to the Court those three lines.

Hitler said: "The gigantic territory must, of course, be pacified as soon as possible." I am quoting on account of the next sentence, Your Honor. Hitler said: "The best way to attain this objective was to shoot anybody who simply casts one ugly look."

I have cited this because this is a late motive that passes through all directives and orders, special laws of Hitlerites in USSR.

THE PRESIDENT: Now, what I am suggesting to you is that the rest of the page which you are now passing in our translation is quite unnecessary to read and you can go straight on, at any rate, to the directive of Keitel of the 16th of September 1941.

COLONELSMINOV: All right, sir.

THE PRESIDENT: It has been read already.

COLONEL SIMINOV? May I continue:

THE PRESIDENT: Yes

COLONEL SMINOV: I quote a directive of Keitel regarding the communist movement, which is dated September 16, 1941. This directive was submitted to the Tribunal by the American prosecution as US Exhibit P-96. I quote, on page

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page 190 of your document book, paragraph 3, line 4.

"One must bear in mind that human life in the countries which it concerns is of no value whatever, and that intimidating reaction is only possible in the form of application of extraordinary cruelty."

I will not present to the Court the photostat of the document which has already been presented as 459-PS, which I shall not quote a single line of, but I shall take the liberty to remind the Tribunal that paragraph 6 of this document mentions that any sort of resistance should be broken, not by any legal point of punishment, but the occupying authorities will instill in the population that fear which is the only one that is capable, as it is said in the directive, to deprive the population of any will for resistance.

May I take the liberty to confirm this by quoting very briefly just two lines from the directive of theCommander of the Sixth Army, General Field Marshal von Reichenau, which was approved by Hitler, and which was already presented to the Honored Court by my colleague as USSR Exhibit 12. The Court will find it on page 194 in the document book, line 19 from the top. There are two lines which I want to quote now. It is said there:

"The fear of German counter-measures must be stronger than the threat of the Bolshevist remnants still wandering around."

I wanted to enter into the record one document which has the seal of the pseudo-legal documentation and which is so characteristic of the ordinances and directives of Hans Frank, but it develops that this document has already been presented to the Court, and I don't consider it possible to retain the attention of the Tribunal to read into the record the document which has already been read to the Honorable Tribunal. I am referring to the circular order of the Chief Office of the State Security No. 567 (42-176), dated November 5, 1942. It develops that this document has already been presented by the American colleagues and it was presented under the Exhibit No. L-316. I just want to remind the Honorable Tribunal that this document mentioned that even the principles which should be used for evaluation of activities of non-Germans should be altogether different. Any actions of a non-German should be construed not in the light of justice but exclusively in the light of general preventiveness. I think that this document is well known to the Tribunal and I shall not quote it.

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Thus in those territories of the occupied countries where the SS followed upon the steps of the aggressors' troops, the civilian population was abandoned to the arbitrary will of the specially trained and cruel bestial representatives of German Fascist's police forces.

I shall take the liberty, while presenting the photostat of the document which was already presented to the Court, No. 447-PS, to quote only one line of this document, which the Tribunal will find on page 197, first paragraph after the title "The Origins of the Operations". It is set out there by special authority of the Reichsferhrer of the SS, and it is also stated: "Within the scope of these problems the Reichsfuehrer of the SS shall act independently and under his own responsibility."

It is well known what the Reichsferhrer SS really was. From many statements of Himmler's, I shall limit myself only to one quotation which really is quite characteristic since it is a directive to the responsible officials of the SS subordinate to Himmler and high executives.

On the 4th of October 1943 at the conference of the SS Gruppenfuehrers at Poznan, Himmler said--this document was submitted to the Tribunal by the American prosecution as US Exhinit No. 1919-PS and it was read into the record on the 19th of December 1945. I shall only quote six lines from page 23 of the photostat of this document. The Court will find the six lines on page 201 in the document book presented to the Tribunal.

THE PRESIDENT: The Tribunal feels that if the document has already been read, it should not be read again.

COLONEL SMINOV: It seems to me that this particular place was not read into the record, Mr. President. The document was presented on the 19th of October 1945, but this particular excerpt which I wanted to quote, it seems to me, was not ready into the record at that session.

THE PRESIDENT: Of course, if you verified that and can state that with certainty, then you may certainly read it.

COLONEL SMINOV: I looked through the shorthand minutes and transcript and I could not find this; so it seems to me that it was not read into the record and, inasmuch as this document was presented by my American colleagues, that is the reason why I want to limit myself to quote only six lines out of this document.

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THE PRESIDENT: Well, you better go on and quote it because these interruptions take a very long time.

COLONEL SMIRNOV: "Whether nations live in prosperity or starve to death interests me only in so far as we need them as slaves for our culture. Otherwise it is of no interest to me. Whether 10,000 Russian females fall down from exhaustion while digging an anti-tank ditch interests me only in so far as the anti-tank ditch for Germany is finished."

Several documents were presented already to the Tribunal which prove that the legalization of mass murders and extermination of the peaceful population of the Soviet Union, which were carried out by the Army for the purpose of terrorization, were introduced by Hitler and his clique as early as May 13, 1941, that is over one month before the beginning of the war.

It is at this time that I refer to the well-known directive, Keitel's order about the "Application of military jurisdiction and procedure in the Area Barbarossa and special military measures." This document was read by the American prosecution on January 7, 1946. I shall not quote from this document inasmuch as the document has been read by the Tribunal, and I merely take the liberty to remind the Tribunal that this directive stated that it was not necessary to be sure of the guilt; that it was sufficient to have a suspicion in order to execute a person. A system was officially established of joint responsibility for a crime. Furthermore, it was also stated that the ones that were suspected were to be exterminated in any case. I refer to paragraph 5 of the directive.

Furthermore, trying people by civilian courts was permitted by the document only as a special privilege and only in the territories which were considered to be "sufficiently pacified."

THE PRESIDENT: We will adjourn now.

(Thereupon at 1250 hours the hearing of the Tribunal adjourned to reconvene at 1400 hours.)

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 15 February 1946, 1400-1700, Lord Justice Lawrence presiding.

COLONEL SMIRNOV: In accordance with your orders, Mr. President, I skip to the next document, which I want to stress, which was already submitted to the Tribunal, such as Document 625-P.

THE PRESIDENT: The English translation is not coming through.

COLONEL SMIRNOV: May I continue? I go over to the next document which was already submitted to the Tribunal yesterday by my colleague, Colonel Pokrovsky.

THE PRESIDENT: It still isn't coming through.

COLONEL SMIRNOV: I was speaking formerly, Mr. President, that according to your instructions I skipped documents which were already submitted to the Tribunal and go over to a document which was submitted to the Tribunal yesterday by my colleague, Colonel Pokrovsky, as USSR Exhibit 3. It is the report of the Extraordinary State Commission, entitled "The directives and orders of the Hitlerite Government and the German Military Command on the Annihilation of the Soviet people."

My colleague read into the record yesterday items of the fourth part of this document concerning the execution of mass killings, "so-called executions" in camps where civilians and prisoners of war were interned. The first part was already written in the record. I skip it and go over to other parts of this report, concerning the organization by the German Fascist Commanders from the very first days of the war with the Soviet Union, of so-called Sonderkommandos, special commandos.

The document which I am quoting concerns the organization of Sonderkommandos in the camps, the prisoners of war on one side and civilians on the other. I quote this part as the Sonderkommando acquired a terrible name among the civilian population, as it is one of the most cruel and most

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brutal organizations created by German Fascism for the extermination of the people. I beg the Tribunal to allow me to refer to page 207 of the document book, first column of the text.

Out of the documents discovered it is apparent that the Hitler henchmen, still before the attack on the USSR, had compiled lists and data concerning leading Soviet personalities according to the bloodthirsty plans, who were supposed to be exterminated. In this way they prepared an investigation book, German investigation book, which list is for ascertaining the addresses of the people, which were supposed to help the Hitler murderers in the extermination of the leading people of the USSR.

In the document Appendix No.2 the operational order No.8 of the chiefs of the SP and the SD, dated "Berlin, 17 July 1941", signed by Heydrich who then acted as Himmler's deputy: my Lord, it is on page 80 of the English translation and mentions however that the lists and directories are insufficient and emphasizes in particular that the initiative of the murderers should not be hampered. The document states: "It is impossible to lend any assistance to the commandos in the execution of their work. The 'German information directory', the 'lists to ascertain the whereabouts of people', the 'special information directories for the USSR' will only be useful in a few cases. The 'special information directory for the USSR' is incomplete because it contains only an insignificant number of Soviet Russians who must be considered dangerous elements."

I skip a paragraph and continue. "For the carrying out of their crimes the German aggressors organized in German territory, in the so-called Polish Government General and in occupied Soviet territory, so-called 'special commandos.'"

I skip certain paragraphs and continue the quotation on page 207 of the document, sixth paragraph, second column of the text; in Appendix No.1, to the operational order No. 14 of the Sp and SD, marked "Secret, of state importance, copy No.15" and dated 29 October 1941. We see how the special commandos were formed:

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The formation of the special units of the SP and SD, will be carried out in accordance with the agreement reached between the Chief of the SP and SD and the OKW, dated 7 October 1941. The unit will act on the basis of special powers and independently and according to the general directives issued them within the frame work of the camp regime. It is evident that the unit will keep in close contact with the camp commander and the officers of the counter intelligence division."

I skip the next text and continue the quotation on page 208 of the document book, first paragraph. The Tribunal will see on what a great scale these organizations, the Sonderkommandos, were organized in the town of Krasnogardeisk: it is a little town near Leningrad: and to the town of Nikolaov.

Notice of the order of the Chiefs of the SP and the SD of 29 October 1941, about the organization of the special commandos was sent to the special units in Krasnogardeisk, Smolensk, Kiev, Nikolajev and -- "for information" -- Riga, Mogiliev and Krivolrog. It must also be pointed out that the Hitlerites during their attacks on Moscow organized in Smolensk the "Moscow special operation unit", the task of which was the mass annihilation of the Moscow population.

The tasks of the "special operational unit" are outlined in the operational orders which are attached to the decree No.8 of the Chiefs of the SP and the SD, dated Berlin 17 July 1941, which under the pretext of "examining the civilians and suspicious prisoners of war captured on the east front" point out that "special circumstances of the eastern campaign make special measures necessary which they must take upon their own responsibility without regard to bureaucratic or administrative influences."

I skip the next extract from this document as they repeat the general lines which I have already outlined.

Having started a criminal war, the Hitlerites went over to mass extermination of peaceful citizens of the Soviet Union and the countries of Eastern Europe. I have already submitted to the Tribunal several documents depicting the nature of the Hitlerite criminals. These were special massacres

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and crimes. However, it was evident that it was not sufficient to create these vile charters. One had to ascertain that by committing the crime, the criminals should feel themselves irresponsible. In order to fulfil the envisaged crimes in all its aspects, it was necessary to create for the criminals the atmsophere of lawless irresponsibility.

According to instructions, I will not quote the instructions read into the record by the American Prosecution which is entitled "Orders Concerning the Application of Martial Law and Special Measures in the Barbarossa Area." I think that the contents of this document may be recalled by the Tribunal, and without this text one cannot understand the mass extermination of the population on the Soviet territory. I will allow myself only to outline that the order signed by Keitel was fulfilled upon the order of Hitler, and was accepted by all the soldiers and officers of the German Fascist army on a personal order of Hitler; and as a confirmation of the deductions which the German Fascists made out of these orders of Keitel, I will allow myself to refer to the report of the Extraordinary State Commission on the Crimes of the German Fascists in the town of Minsk.

I submit to the Tribunal this Document as USSR Exhibit 338. This document contains excerpts from the testimony of Captain Julius Reichhof, the chairman of the military tribunal of the 267th German Rifle Division. I beg the Tribunal to turn to this document which is on page 217 of the document book, first column of the text. I quote according to the report. I quote the testimony of Reichhof.

"For actions committed against the Soviet population, the Germans could not be put to trial by a military tribunal according to an order by Hitler. This can only be done by the commander of the unit if he considers it necessary. According to the same order of Hitler, a German army officer had even more far-reaching rights. He could handle the extermination of the Russian population according to his own opinion. The commanders have the unlimited right to use punitive action against the civilian population; such as, the burning of entire villages and towns, taking away of food and livestock

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from the population, the deportation of Soviet citizens to Germany for work.

"Hitler's order was distributed to every single soldier of the German army on the day before the beginning of the attack on the Soviet Union. According to Hitler's order, the German soldiers under the leadership of of officers committed a number of atrocities." But even that wasn't enough for the Hitlerite leadership. In 1942, a very sharp instruction confirmed that, without any exceptions whatsoever, no crimes of German Fascist military personnel perpetrated against peaceful inhabitants of the Soviet Union should ever be punished. Reich and military leadership particularly emphasized that the crimes should be left unpunished, unconditionally, even if the victims of these atrocities, no matter how perpetrated, happened to be women and children.

THE PRESIDENT: What was the reference to what you called "sharp instruction"?

COLONEL SMIRNOV: I will directly present it to the Tribunal. I will submit to the Tribunal this directive as USSR Exhibit 16. It is a photostatic copy of the document. The Tribunal will find the text of this directive on page 219 of the document book. This directive is signed by Keitel and entitled "The Struggle with Bandits." The document is dated December 16, 1942. I will quote this document nearly in full, starting with the title.

"Very Secret.

"The Fuehrer has reports that individual members of the Wehrmacht who took part in the struggle against the bandits..."

My colleague, Colonel Pokrovsky, my Lord, in great detail, told the Tribunal that the conception of "bandits" was with the Hitlerites attributed to all parts of the Soviet population. I will therefore not dwell on the description of this term. I continue the quotation: I skip one paragraph. Page 219 of the document book:

"If this fight against the bandits will not be led with every means of cruelty the forces actually at its disposal, it will undoubtedly be insufficient to clean up this place. The troops are therefore in their right

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and obligated to use in this fight without limitation, every means against women and children if it leads to success."

I beg the Tribunal to allow me to stress that they mentioned "every means against women and children."

"Considerations of any kind are a crime against the German people and the soldiers on the front who have to bear the consequences of the partisan plots and who can have no understanding whatsoever for any kind of consideration of the partisans or their cohorts.

"These regulations must be also in force for the use of the combatting of partisans in the East.

"2. No German who is engaged in the fighting of partisans can be punished by disciplinary action or by court martial on account of his behavior in the fight against the partisans and their cohorts. The commanding officers of

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the troops engaged in fighting the partisans are responsible for: that all officers instruct in the most urgent manner the units which are subordinated to them about these regulations, that their legal advisors receive immediate notice of this order, no sentences be confirmed which oppose this ordern. Signed Keitel."

I close with this document and submit to the Tribunal a reference to the first two Counts of the Indictment; hitherto, the documents which I have submitted to the Tribunal were to prove three facts:

1. The major war criminals directly incited very wide strata of the personnel of the German Fascist armed forces to perpetrate the greatest war crimes against a peaceful population.

2. The Hitlerite leadership, through special education, created large contingents of criminals for the effective execution of their plans for extermination.

3. Setting free of the lowest instincts of the perpetrators of the crimes and the creation of conditions with complete impunity for the criminal

These purposes were fully accomplished by the major war criminals. In the occupied territory of the Soviet Union and the countries of Eastern Europe, the Hitlerites committed crimes against peaceful populations which neither in their scope nor in the cynicism and cruelty of the manner and actions of the organizers and perpetrators have any precedence in world history.

I pass on to the presentation of evidence which characterizes the scope and methods of these crimes committed by the German Fascists.

I would like to show what Keitel's conception of pacification meant in the lives of peaceful people.

The setting up of the regime of terror was the first thing that marked the appearance of German Fascist authorities, regardless of whether they were military or civilian authorities, in the territories of the USSR and other countries of eastern Europe.

Furthermore, the regime of terror carried out only in the most cruel forms, was started first of all with those who were considered by the

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Fascists as the most dangerous and most capable of offering resistance. In confirmation of this, I refer to a document which I have already presented to the Tribunal as USSR Exhibit 36, report of the Extraordinary State Commission in the Territory of the Lvow Region." The Tribunal will find this quotation, to which I am referring, on page 68 of the document book, first column of the text, last paragraph:

"The Gestapo detachments even before the seizure of Lvow, had at their disposal, following the orders of the German Government, lists of most prominent representatives of the intelligentsia predestined to annihilation. Immediately after the seizure of Lvow, massacres and executions began. The Gestapo men arrested: A member of the Union of Soviet Authors, writer of numerous works of literature, Professor Thaddeus Boi-Yelensky; Professor of the Medical Institute, Roman Ronzky; University Dean, Professor of Forensic Medicine, Vladimir Seradsky; Doctor of Judicial Science, Roman Longsham-de-Berye, together with his three sons; Professor Thadeus Ostrovsky; Professor Jan Grek; Professor of Surgery, Heinrich Hilrovich . . ."

There follows a list of 13 other persons, intellectuals who were arrested in Lvow. I skip the list of familiar names and continue with the quotation.

"F.B.Groer, Professor of the Medical Institute at Lvow, who, by accident escaped death, has told the Commissions:"

"When I was arrested at midnight on July 3, 1941, and placed in the tr I found there already Professors Crek, Boi-Yelensky, and others. We were brought to the house of "theological College of Aganovich". While we were led along the corridor, Gestapo people jeered us. They hit us wit rifle butts, pulled our hair, and beat us on the head. Later on, I saw how, from the dormitory of the Theological College of Aganovich the Germans led under convoy five professors; four of them were carrying the blood spattered body of the son of Professor Rouff, who was killed by the German at the interrogation. The young Rouff was also a specialist. This whole group of professors, under the escort, went in the direction of the Cadetsky Height. In 15 or 20 minutes I heard a rifle-burst from the direc

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where the professors were led. With a view to humiliating human dignity, the Germans used the most refined methods of torture against these men of science, and then shot them. B.O. Galtsman, who lived in the city of Lvow, has testified before the Special Commission that he himself saw how, in July 1941, "20 people were brought by the SS into the courtyard of House No. 8, on Artshovsky Street, among them professors, lawyers, and physicians. One of them I know by name, Doctor of Judicial Science Kreps. Among them were 5-6 women. The SS forced them to wash the stairs on the seven entrances to the four-story house with their tongues and lips. After these stairways were washed, the same people were forced to collect garbage in the courtyard with their lips. All garbage had to be transferred to one place in the courtyard."

I skip the end of this quotation and continue:

"The Fascist invaders carefully concealed facts concerning the extermination of the intelligentsia. To repeated requests of their relatives and friends for information as to the fate of these men of science, the Germans replied, "No information."

"In Autumn of 1943, on the order of Reichsminister of Germany Himmler, the Hitlerites burned the bodies of the professors who were shot. Former internees of the Yanovsky Camp, Mendel and Corn, who carried out the exhumation of the bodies, have told the Commission the following:

"In the night of October 5, 1943, between Cadetsky and Boulesky Streets, upon the order of one of the Gestapo men, we opened the pit from which we lifted 36 bodies. This was done under the light of projectors and by the orders of the Gestapo. We burned all these corpses.

"While lifting the corpses from the pit we found the documents of Professor Ostrovsky, of the Doctor of Natural Science Utegek and Professor of the Politechnical Institute Kasimir Bartel.

"It was established by the investigation that in the course of the first few months of occupation the Germans have arrested or killed over seventy of the most prominent men of science, techniques, and arts in the City of Lvow.

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What was said above does not in any way mean that the only leaders of local organizations and representatives of the intelligensia were the victims of Fascist terror. In the above I was referring only to thefact that the Fascist terror was directed against these people in the very first place.

But one of the characteristic features of the Hitlerite terrorism was the fact that it was administered by the German Fascist leaders and carried out by the executioners as terror in general.

It was not an accident, and I will show it with all particulars further down, that the Defendant Keitel declared any actions against women and children is not subject to punishment either by criminal or disciplinary procedure.

With a view to confining this, I pass now to the documents which constitute the appendix to the report of the Extraordinary State Commission on German Atrocities in the City of Kerch.

To confirm this I refer to one of the documents which was already submitted to the Tribunal but was not read into the record. It is document USSR Exhibit 63, which is a report of the Extraordinary Commission for the Investigation of Crimes in the town of Kerch. Two words of introduction. The town of Kerch was a comparatively small town. Many hundreds of kilometers separated it from Lvow.

In the City of Lvow the German invaders arrived the middle of July 1941. They reached Kerch only in November, and in January 1942 the Germans were already thrown out of the city by units of the Red Army.

Thus, the period of thefirst occupation of the City of Kerch by the Germans did not last more than two months. But here are the crimes which were committed by the German Fascists in this city. I quote. I will greatly summarize the text. The Tribunal will find this part on page 227 of the document book, second column, fifth paragraph:

"After capturing the city in November 1941, the Hitlerites immediately issued an order which stated as follows:

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"The inhabitants of Kerch are ordered to deliver to the German Commandant all food supplies at the disposal of or possessed by any family. For non-delivery the owner will be shot.

"The next Order Number 2 -- the municipal government ordered all inhabitants to register at once all chickens, roosters, ducks, turkeys, geese, sheep, cows, calves, and cattle. The owners of fowl were strictly prohibited from using the fowl and the cattle for their own needs without the permission of the German Commandant. After these orders were issued a wholesale search of all apartments and houses had begun.

"The Hitlerites were behaving rowdily. For each kilogram of beans or flour found in excess, the head of the family was shot.

"The monstrous atrocities in the city by the Germans began by poisoning 245 children of school age."

You will see later the bodies of these corpses in the documentary film.

"According to the order of the German Commandant, all school children were ordered to come to the school at a fixed time. After they arrived, 250 children, with their school books, were sent out of town to the factory school, allegedly for a walk. There the hungry and cold children were offered hot coffee with cakes, which were poisoned. Those children who didn't get coffee the German orderly called to the dispensary and smeared their lips with quick-acting poison.

"In a few minutes all the children were dead. Then the school children of the older classes were transported in trucks and shot down with machine guns at eight miles distance from the town. The bodies of the poisoned children were transported there later. There was a very long anti-tank ditch in which they were buried.

"On the evening of the 28th of November 1941, an order, Number 4, of the Gestapo was hung up in town, according to which the inhabitants who had previously been registered at the Gestapo were to present themselves on the

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29th of November between 8:00 O'clock and 12:00 o'clock noon at the Sennaya Square, with three days stock of food. All men and women were to present themselves without regard to their age or state of health. Those who did not present themselves were threatened with public shooting. Those who presented themselves at the Square on the 29th of November were persuaded that they were summoned in order to be sent to work. At 12:00 o'clock noon, over 7,000 people assembled in the Square. There were young boys, young girls, children of all ages, aged men, and pregnant women. They were all of them transferred to the town prison by the Gestapo men.

"This fiendish extermination through treachery of the

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peaceful population done in the prison was carried out by the Germans according to a plan of the Gestapo formulated beforehand.

"First of all, the internees were ordered to hand over the keys of their flats and to designate the exact addresses to the commandant of the prison. Then all valuables were taken away from the arrested people, including watches, rings and ornaments.

"Notwithstanding the cold, boots, pants, shoes, costumes and coats were taken off all those who had been put into prison. Many women and young girls were separated from the rest of the internees by the Fascists, shut up in separate cells, where the unfortunate creatures were subjected to specially refined torture. They were raped. Their dresses were cut off. Their stomachs were ripped open, and their feet, hands, were cut off, and their eyes torn out.

"After the Germans had been expelled from Kerch on the 30th of December 1941, the Red Army men discovered in the yard of the prison a formless mass of tortured and unrecognizable naked women's bodies, tortured by the Fascists.

"As a cite for the mass execution the Hitlerites chose an anti-tank ditch near the village of Baguerovo where, during several days, entire families of condemned were transported to the place of execution in trucks and cars.

"After the Red Army entered Kerch in January 1942 when the Baguerovo ditch was investigated, it was discovered that it stretched out for a distance of 1 kilometer in length, 4 meters in width, and 2 meters in depth, and was over-filled with bodies of women, children, old men, and young people. Near the ditch were frozen pools of blood. Children's caps, toys, ribbons, torn-off buttons, gloves, milk bottles with nipples, little shoes, galoshes, with torn-off hands and feet, were lying nearby. All this was spattered with blood and brains.

"The Fascist fiends shot the defenseless population with explosive bullets.

2Near the rim of the ditch lay the body of a tortured young woman. In her arms was a baby wrapped up carefully in a shite cape. Next to this woman lay an eight-year old firl and a 12-year old boy, killed with explosive bullets Their hands gripped the dress of their mother."

The conditions of the executions are confirmed by the statements of

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numerous witnesses who were lucky enough to escape from this death ditch. I will quote two statements:

20-year old witness, Bondarenko, who is now a soldier of the Red Army states:

"When we were brought to the anti-tank ditch and lined up near this terrible tomb, we still believed that we had been brought here in order to fill in the ditch with earth or to dig new trenches. We did not believe that we had been brought to be shot, but when we heard the first shots out of the automatic weapons aimed at us, I understood that we were being shot. I instantly threw myself into the ditch and hid between two dead bodies. Thus, unharmed, in a half fainting condition, I lay there practically until the evening.

"Whilst lying in the ditch, I heard several wounded shout to the gendarmes who were shooting at them, "Finish me off, blackguard.' "You didn't get me, blackguard. Shoot again.'

"Then when the Germans went away to lunch one of the inhabitants of my village began to cry out of the ditch, 'Get up, those who are still alive.'

"I got up, and we, I and the other men, began to drag out the live people who were assembled among the dead. I was all in blood. Over the ditch there hung light mist and vapor from the evaporation of the blood, and from the last breathing of the dying.

"We dragged out Theodore Naoumenko and my father, but my father had been killed outright by an explosive bullet in the heart.

"Late at night I reached the house of some friends in the village of Baguerovo, and there awaited the arrival of the Red Army."

The witness Kamenev stated:

"Behind the airdrome the chauffeur stopped the car, and we saw that Germans were shooting people near a ditch. We were dragged out of the cars, and we were pushed forward in groups of ten people to the ditch. I stood with my son with the first ten people. We reached the ditch. We were placed facing the ditch, and the Germans began to shoot us with bullets in the neck.

"My son turned to them and shouted 'Why are you shooting the peaceful population?' But the shots rang out, and my son fell into the ditch. I threw

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myself after him, and people began to fall around me into the ditch.

"At 3:00 o'clock out of the mass of bodies, an 11-year old boy stood up and began shouting 'Little fathers, those of you who are alive stand up. The Germans have gone.' I was afraid to get up, as I thought that the boy was shouting that on the order of the policeman.

"The boy again started shouting, and then my son answered him. He stood up and asked, 'Father, are you alive?' I could not answer anything and only shook my head. My son and the other boy dragged me out from under the bodies. We saw some other live people who were shouting, 'Help us.' Several of them were wounded. All the time while I was lying in the ditch under the bodies I could hear the shouting and crying of women and children. Germans were shooting after us, old men, women and children."

I conclude this quotation, as later on I will quote a number of the details.

The document which I quote now to the Tribunal I would like the Tribunal to pay attention to that part which concerns the mocking and jeering of children. It is very characteristic of German Fascist terror. I skip six pages of the text which I intended to bring out, and beg the Tribunal to turn to the text on page 282 of the book of documents, tenth paragraph. I quote a short excerpt concerning the mocking of children.

"The German barbarians, in their mocking of the Soviet people did not spare children.

"The witness Kolesshikova, a teacher, states that Germans shot a 12-year old boy only for the reason that he took an old car tire and tried to swim in it.

"The witness Sabelnikova stated that Bondarenko, who lived in the village of Adjimushkay, was attempting to save her three children from hunger. She asked the Germans for something to eat. The Germans were watching in the kitchen. They poured into a little sauce pan some gruel. The family Bondarenko ate it greedily. In a few hours the mother and the three children were dead. The Germans had poisoned them.

"The statement of Shoumilova ascertained that in the month of July a German officer shot a six-year old boy only for the reason that he was singing

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a Soviet song while walking about in town.

"In the garden of Sakko and Venzetti, during the whole summer the body of a nin-year old boy was hung only for the reason that he had picked some apricots from a tree."

I quote further from the report of the Extraordinary Commission concerning the town of Kerch.

I dwelled in my statement on the example of the town of Kerch, not because the atrocities committed by the Hitlerites in this town were of an extraordinary scale of had a special feature of cruelty. On the contrary, the act of the Extraordinary Commission was quoted for the sole reason that it gives a detailed enumeration of the crimes committed by the Hitlerites in one of the towns temporarily occuried by the German criminals. This town had promptly become the victim of the Fascist regime. Similar atrocities were committed by the Hitlerites in all territories temporarily occupied by the Hitlerites.

As a confirmation of this I turn to a generalizing document, which was already submitted to the Tribunal as USSR Exhinit 51, but which has not yet been read into the record. I mean the memorandum of the Peoples Kommissar Molotov, dated the 27th of April, 1942.

In the introduction of this memorandum the Soviet Government had made the following deductions. It said the following:

"Fresh documents and fresh information continuss to be put at the disposal of the Soviet Government stating that the Hitlerite usurpers are committing everywhere plundering of the Soviet population without hesitating before any crimes or before any cruelty or act of terrorism on the territories which they temporarily occupied or which they are still occupying.

"The Soviet Government had already declared that these atrocities were not accidental excesses of single undisciplined military units or single German officers or men. At the present moment the Soviet Government disposes of documents seized lately from the staff of beaten German formations, which proves that the blood-thirsty crimes committed by the German Fascist Army were committed in accordance with plans detailed, set out and eloborated of the of the German Government, and according to orders of the German High Command."

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I skip the last part of this conclusion and skip to Part 5. The Tribunal will find this part which I am going to quote on Page 8 of the Document Book, in the fourth column of the text, fifth paragraph. I will briefly outline this note.

One can see from this note how the orders of the German leadership concerning the establishment of the terror regime were interpreted by the Gauleiters and local leaders and commanders of the German units.

I quote the beginning of the fifth paragraph of this note, page 9:

"The inhuman cruelty, born from the atrocities committed upon their own people, and which the Hitlerite clique applied to the inhabitants of the European countries temporarily occupied by the German Army, have already been outdone by the German Army during their attack of Soviet territory.

"The cruel treatment to which the Hitlerites submitted the peaceful Soviet population have obscured all the most somber pages of history of mankind and denounce fully the blood-thirsty and criminal plans of the Fascists, in view of the extermination of Russian, Ukrainian, Bielo Russian, and other peoples of the Soviet Union.

"These monstrous Fascist plans inspired the orders and instruction of the German High Command concerning the extermination of peaceful Soviet citizens. Thus, instructions of the German High Command, entitled 'Treatment of the Civilian Population and of the Enemy Prisoners of War' proclaims that 'Officers are responsible that the treatment

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of the civilian population be merciless;' and this instruction orders that one should apply to the entire masses of the population.

"In the instructions sent by the German High Command as a directive for the occupational authorities on Bielo Russian territory, we read 'Any hostile acts of the population as regards the German armed forces and their organizations will be punished by death. If a partisan has not been found one must take hostages from among the population. These hostages must be hung.'"

THE PRESIDENT: What is the USSR number of what you are reading now?

COLONEL SMIRNOV: This document was submitted as USSR Exhibit 51. It is one of the memorandums of Kommissar Molotov. It is the memorandum of the 27th of April 1942. Four memorandums have been submitted under this number to the Tribunal. It is on Page 4 of your file of documents. The quotation which I am now reading is on Page 8 of your document book.

THE PRESIDENT: It is thought that this is part of the document that you read yesterday. Are you sure that it is not--on page 4--

COLONEL SMIRNOV: No, Mr. President. I read into the record a note from the 6th of January 1942, and this is a note of the 27th of April. May I continue?

THE PRESIDENT: Yes.

COLONEL SMIRNOV: "These hostages must be hung if the guilty or their accomplices are not found before 24 hours have lapsed. During the following 24 hours, a double number of hostages must be hung in the same spot."

Point 7 of Order Number 431/41 of the German Commandant of the town of Feodossia, a Captain Eberhardt, reads as follows:

"During an alarm every citizen who appears in the street must be shot. Groups of citizens who appear must be surrounded and mercilessly shot. Leaders and inciters must be hung in public."

In the instructions to the 260th German Infantry Division concerning the treatment of the civilian population, single officers are ordered that indispensable cruelty is not being applied everywhere. Orders which are posted by the occupants in the Soviet towns and villages announce the death penalty for various reasons: For going out in the streets after 5:00 o'clock in the

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evening; for offering hospitality to strangers; for not handing over Red soldiers to the authorities; for attempting to put out a fire in an inhabited spot; for traveling from one point to another; for refusing to fulfil forced labor," and so on.

I continue this quotation on Page 8 of the memorandum:

"The German Fascist High Command does not only admit but actually orders the murder of women and children. Organized child murder in some of the orders is presented as a way of struggling against the partisan movement. Thus, an order of the Commander of the 254th German Division, Lt. General von Beschnitz, dated the 2nd of December 1941, considers the fact that old people, women and children of all ages are traveling behind the German lines a proof of imprudent good naturedness, and is ordered to shoot without hailing at every civilian person of every age and sex who is approaching our front lines.

"It also orders the responsibility should be placed upon the mayors so that the appearance of strangers should be immediately reported to the local commandant, and that every person who is suspected of spying should be immediately shot."

I quote on Page 9 of your document book the eigth paragraph, first column: "Some of the crimes of the German occupants committed by them in the very first week of their perfidious attack on the USSR, and the brutal extermination by them of the civilian population of Belio Russia, Ukraine, and the Baltic Soviet Republics, have been documentarily ascertained only at present.

"Thus, when units of the Red Army in the district of the town of Toropetz, in January 1942, smashed a German SS cavalry brigade, among the documents captured was found a report of the First Cavalry Regiment of this brigade concerning the pacification by this unit of the Starobinsk District in Belio Russia. The Commander of the regiment reports that besides 239 prisoners, the unit of this regiment has shot 6,504 civilians.

"The report states further that the unit acted according to order to the regiment, Number 42, dated 27th of July 1941. The Commander of the Second Regiment of this Brigade, von MacGill, relates in his report concerning the execution of the repressive operation between the 27th of July and the 11th of August 1941:

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"'We chased women and children into the swamp, but that did not produce the necessary effect, as the swamp was not deep enough so that one could drown in it. One could reach ground at about a meter below the level of the water.'"

THE PRESIDENT: We will adjourn now for ten minutes.

(A recess was taken.)

THE MARSHAL: May it please the Court, regarding the defendant Hess, he will be absent until further notice on account of illness.

COLONEL SMIRNOV: I continue with the end of a quotation. In the same headquarters there was discovered a telegram No. 37 from the commandant of the Carrier Brigade of the SS Standartenfuehrer, a cavalry unit, the 2nd Cavalry Regiment, dated the 2nd of August 1941. In it it is mentioned that the Reichsfuehrer SS and of the police, Henlein, considers that the number of exterminated members of the civilian population too insignificant; and, further, he points out that it is necessary to take radical measures or steps, and that several units of the commando are too soft in conducting their operations; and, further, he orders to report daily the number of people shot.

In connection with this, one can not forego mentioning the criminal activity of the defendant Rosenberg; the general proposition of the Reich leadership in planting the regime of terror in occupied eastern regions. That is, he was one of the authors of such instructions, Rosenberg, as it is known in the German-Fascist occupied border regions. Rosenberg published a series of similar orders, the aim of which were terror, and which were published by other high German officials.

I submit to the Tribunal USSR Exhibit No. 39, Communication of the Extraordinary Commission, about the atrocities of the German-Fascist occupants in the eastern part of the United Soviet Socialist Republics. I quote--this will be found on page 232, in the first column, fifth paragraph.

"On the 17th of July 1941 Hitler, by means of his decree, turned over the legislative powers of the territory of Estonia to the Reichsminister Rosenberg. The latter in his own turned over this legislative power to German district commissars. Arbitrary actions were introduced in Estonia. Terror was raging

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throughout the country. Reichsminister Rosenberg, Reichscommissar for the Baltic regions Lohse, and Generalcommissar of Estonia Litzmann deprived the Estonian people of all political rights. On the basis of Hitler's decree of the 17th of July 1941, Reichsminister Rosenberg promulgated on the 17th of February 1942 a law especially for people who are not of German nationality, and he established for them the punishment of death for the most insignificant action of protest against Germanization and for any sort of violation against people of German origin.

For workers and clerks of Estonian origin the occupants introduced corporal punishment. On the 20th of February 1942 the official of railroad administration in Riga, Volk, directed to the administration of the railroads in Estonia a wire of the following contents:

"Every violation of discipline on the part of an employee who belongs to the local nationality, in particular,

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his failure to appear for work, being late for work, not carrying out the orders, and so forth, from now on shall be punished with utmost severity.

"(a) For the first violation, fifteen strokes with a club on the bare part of the body;

"(b) In case it is repeated, twenty strokes with a club on the bare part of the body."

On the 12th of January 1942 Reichsminister Rosenberg established summary courts which consisted of a president who was a police officer, and two policemen who were under him. Their procedure of orders was determined by this court at its own discretion. The courts always carried out death sentences, and also confiscated property. There was no other punishment decreed by the court. There was no appeal from the verdict of such court. Besides, in the courts which were created by Rosenberg death sentences were carried out by German political police, and those sentences were executed the same day.

For criminal and civil matters, Generalcommissar Litzmann held local court. Litzmann himself appointed judges, prosecutors, notary publics, and attorneys; everybody, without an exception.

I am submitting to the Tribunal another document as our USSR Exhibit No. 18, a photostat of a terroristic order of the German authorities, and I beg the Tribunal to accept this document as part of the evidence. This is an order of the German kommandatur of the city of Skop. You will find the text of this order on page 235 in the document book. In this document one can see that peaceful civilian populations were not permitted to go on to the highways in their own locality. Anybody who was seen there by German officers, always those peaceful citizens, were to be shot. I quote the text of the document, beginning with paragraph three.

"On the basis of the above-mentioned, I order:

"1. All members of the civilian population, independent of their age and sex, found on railroad tracks or near them must be considered as bandits and subject to being shot. It is evident that those walking in columns, who are being supervised by the Germans, are excluded from this order.

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"2. All people mentioned in the first paragraph who cross the roads will be shot.

"3. All persons mentioned in paragraph one, who at night or at twilight are found on the roads will be shot.

"4. Persons mentioned in paragraph one, if found on the roads during the day time, are subject to arrest and most detailed checking-over."

Such were the terroristic orders instituted and which were published on the strength of the Fuehrer's principles. Such were the laws of high executives and representatives of military authorities of the German-Fascist state. But the right of relentless reprisal against peaceful populations was not confined only to them; any kommandatur, any kommander of a small unit, and finally any soldier of Hitler's army had the right of reprisal towards the peaceful population of the occupied regions.

I shall submit to the tribunal several documents which will reveal how Hitler criminals always used this right in carrying out their beastial ruthlessness towards innocent people. They murdered and terrorized other people. I submit to the Tribunal the exhibit USSR 9, a communication of the Extraordinary Commission, about atrocities of the German-Fascist occupants in the city of Kiev. The Court will find this place which I would like to refer to on page 238 of the document file. In the fifth paragraph of the first column of the text I quote:

"German executioners from the very start of their occupation of Kiev were carrying out mass extermination of the population by means of tortures, mass shootings, hanging, poisoning with gas and murder vans. People were seized right in the streets, being shot in big groups and singly. In order to terrorize and intimidate the population, announcements of the shootings were posted."

I shall interrupt my quotation here, and I ask the Tribunal to accept as evidence photostats of several of those posters. It is also mentioned in the text of the Extraordinary Commission. In particular, I ask the Tribunal to accept as evidence the photostat of this poster which is being presented as USSR Exhibit No. 290. The text of this poster is a follows. I ask the Tribunal to excuse me, because the translation may not be correct, but the text is Ukrainian, and I may not be quite exact in my translation into Russian.

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I translate the text this way:

"As measures of reprisal, in connection with the act of sabotage today, one hundred inhabitants of the city of Kiev were shot. This is a warning. Every inhabitant of Kiev is responsible for every act of sabotage. City Commandant."

As USSR Exhibit 291, the Tribunal will find this exhibit at page 243 in the document book. It is a photostat of the following poster, signed by the commandant of the city of Kiev. I quote:

"In Kiev there is malicious sabotage to the means of communication -- thelephone, telegraph, and cable. Since we could not tolerate any further sabotage, then four hundred men in the town were shot, which should serve as a warning for the population. Once again I command that people would immediately report to German troops anything that is known to them about suspicious cases; either to the German troops or to German police so that criminals can be adequately punished." Signed "Eberhard, Major General and City Commandant, Kiev, 29th of November 1941."

As exhibit USSR 333, I submit a photostat of the third and the last poster in Kiev. The Tribunal will find the text of this poster on page 242 in the document book. I quote:

"Arson and sabotage, which have become more and more frequent in Kiev, force me to resort to the most severe measures. Therefore today three hundred inhabitants of Kiev were shot. For any new case of arson or sabotage a large number of inhabitants of Kiev will be shot. Every inhabitant of Kiev must report to German police any suspicious cases. I shall maintain order and calm in Kiev by all measures and under any circumstances. Kiev, 2 November 1941. Eberhard, Major General and Commandant of the city."

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I refer further to the document which already has been presented to the Tribunal, but it was only partially read into the record. I shall quote a very short excerpt from it. I refer to document which was presented as USSR-63, which in itself consist of the act of the official report of the Commissar of the Drjinsky Region, City Council, Stalingrad. I call the Tribunal's attention to this official report which was drawn up by menbers of the official authorities, and people of Drjinsky Region of the City of Stalingrad was checked and certified by the Extraordinary State Commission, and the authenticity of the cases reported in this report was certified. In connection with this I also present documentary report of this State Extraordinary Commission signed by Academican Commissioner Trainini, who was a member of the commission, and other people. I believe the members of the court will find the official report on page 222 in the Document files, in the first column of this text. I shall begin the quotation from the official report of the Commission investigating the territory of Drjinsky Region in the City of Stalingrad, where this information is gathered about posters. They went on to state the facts in Stalingrad, and also the consequences of these posters.

I begin the quotation on page 222 in the Document file which the members of the Tribunal have. The last paragraph in the first column of the text I begin: "The Military Commandantur saw that everywhere posters were put up in streets which threatened to shoot for every step. For instance, in Aral Street where there was such a poster, 'Whoever will pass here death to him.' On the corner of Nevsky and Medveditzky Street they were shooting Russians for violating, for trespassing, etc., and really Germans shooting people at every step, and hundreds of graves testify to it, and graves and graves were found along the streets in Drjinsky Region of the City of Stalingrad, and were tortured, were shot, and some hung in a building next to the commandantur. First they were thrown into a pit which was located right next to the building coming into the Commandantur.

After the occupants had been driven from the city, 71 corpses were discovered in this street when this pit was filled up with corpses and were used to carry all the corpses out to the graveyard which was located two kilometers from the building of the commandantura. There was a pit dug in that vicinity about six meters in depth, forty meters in length, and twelve

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meters in width. After the occupants had been driven out to this above mentioned pit, there was discovered 560 corpses of Soviet citizens, including the corpses of fifty children, who were tortured, shot and hung in the commandantur and other places.

On examination of the bodies 26 March 1943 it was established that the Hitlerites brutally tormented the Soviet people before they were killed. Besides the corpses of children, there was discovered 323 corpses of women, 69 corpses of old men, and 74 corpses of men. 141 corpses had traces of bullets in the head and chests; 92 corpses had traces of strangulation, which testify to their being hanged. All other bodies were mutilated at the place of torture. 130 victims, women and girls, had their hands turned behind their backs, and they were tied with wires, and 18 corpses had breasts cut off, some had their ears and fingers and toes chopped off, and majority had burns.

On examination of these corpses was revealed that 21 women died by torture and wounds, and the rest after tortures were shot. Even corpses of children were mutilated. Some had their fingers cut off, and buttocks were cut; eyes were gouged out. I shall stop quoting from this document, and in compliance with the actions of the Tribunal, I shall give particulars which should be presented as evidence which indi-

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cates something new on the tortures of the Hitlerites. I omit three pages of the report, and skip the next section to tortures which were practiced by the Hitlerites during the interrogations, when tortures were officially sanctioned by the Hitlerites. I present to the Tribunal USSR-11 as one of such documents, which testifies to the fact that tortures were officially directed by such documents as served their action for concentration camps, a Manual for concentration camps which was published in Berlin 1941. This document, Your Honor, you will find on page 244 of the Russian Document, in Section 3 of their section entitled, "Corporal Punishment", and it is said:

"For this punishment is permitted from 50 to 125 strokes to be given occupant on the buttocks and on the back. The number of strokes is set by the commandantur of the camps, and entering the number in corresponding rubric of the order dealing with the punishment."

I would like to refer to one document which was already presented to the Court, but in compliance with the Court's direction I omitted the document, which was presented as Exhibit L-89, and I go on further:

"This formula was seized in the German archives when troops by the Yugoslav army and is added as evidence to the report of the Yugoslav government already submitted to the Court.

I submit it to the Tribunal, and I ask them to use it as evidence, the original copy of orders for especially severe interrogations, and I submit it as No. 254, and which we ware presenting as original of report of Yugo-Slav Government. This order, as it is signed on the copy, certifies its origin was drawn form the German archives of the German Army, and is being presented as evidence. I shall not describe it, or comment with my own oratory, and I shall quote the report of the Yugoslav Government on page 26, the last paragraph. I believe the Judges will find it in their book on page 256 in the Document File, in the last paragraph, I give the quotation. In order to characterize more clearly this beastly cruelty to which the Germans were resorting when they were carrying out this plan of extermination, we subm to the Tribunal one more original document which was seized in the German archives in Yugoslavia. It is a blank order for conducting what is called specially severe interrogations of the victims of the German Commandantur

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criminally such interrogations were conducted extensively by the German Security Police and the SD.

On the first page of the blank, the Police organization suggest use of, or resorting to especially severe interrogations. On the second page competent and responding SS Officers approve such interrogations. As an answer to the question, "How this special severe interrogations should be conducted, "we find as an answer to it the following instruction from this order: "The especially severe interrogation should consist of -- records of the interrogations should be kept. It is permissible to call in doctors, or one may not call them in." Mentioning the position, and about his presence during the interrogation, does not leave any doubt as to the fact the interrogation really consisted of the physical torure of the one who was interrogated. It is a fact that for such interrogation there were printed instructions which clearly proves that they resorted unmasked to such criminal means. That concludes my quotation.

The Reichsfuehrer, or the SS men provided for such special cases that went to interrogation, that during the interrogation of one who was suspected or may wish to attempt to commit suicide, therefore, the leader of SS people would not permit the unqualified orders to tie hands and feet once, but when interrogated he put him in chains.

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I submit to the Tribunal Exhibit USSR 298, and a photostat of directive of Chief of German Police No. 202-43, dated July 1943. It is certified by this Extraordinary Commission, and I quote the document. I omitted the stamp on it, that date on it is Berlin, 1 June 1943, and I quote only the text:

"Subject, Prevention of Escape during interrogations. In order to prevent any attempts for escape during interrogation in any case where there is possibility that under the circumstances, or due to the importance of their arrested person, the latter may attempt to escape, or attempt to commit suicide, in such cases I order to bind the hands and feet of the arrested in such a way that any attempts to escape would be prevented. It is possible to use rings and chains if such are on hand."

Also official orders or directives of the German Central Political Authorities, I submit them to the Tribunal not simply to show the official German documents provided, or called for, or resorted to torture during interrogations. It is well known and does not need any special proof, but I present some of the very few of the documents that are now at our disposal, documents there showing how those tortures to which they were subject in the police cells and police chambers when arrested, how much worse they were than were those that were really ordered for the criminals themselves.

I submit to the Tribunal USSR No. 1, communication of Extraordinary Commissioner, trustee in German Fascist, document in Russian. An investigation was being carried under the leadership of German fascist, and is our document No. 272 I begin my quotation with the first paragraph. After the first line I shall start, as probably the gentlemen of the Tribunal remember he was a member of the Extraordinary Commission. I begin the quotation: "Extraordinary in their cruelty, torture and torments, the Soviet citizens were carried in a building of the Gestapo, who were, for instance, the citizen Kovaltchuk Phillip Akimovitch, who was born in 1891, and who lived in the City of Piatigorsk was arrested 27 October 1942, and while at his own farm. That he was beaten until he was unconscious, then he was carried to the

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Gestapo, and he was thrown into one of the cells. After twenty-four hours the Gestapo men started torturing him; he was interrogated, and beaten only at night. After the interrogation he was called into a separate chamber, where very special machines and devices for tortures were, chains with rings for leg irons and feet irons. This chain was attached to the cement floor of the chamber. Those arrested were first absolutely undressed, and then put on the floor, and their hands and feet were chained.

Citizen Kovaltchuk was subjected to such tortures. While being bound in chains he could not move at all. He was lying on his stomach and in such a position he was beaten by rubber clubs sixteen days. Besides this inhuman torture, the Gestapo also resorted to the following: Some were bound in chains on their back where they used to put on a wet board, and they used to bound this board with heavy weights, and as a consequence of this, the person was bleeding from the mouth, nose and ears, and he would lose consciousness. These torture chambers in the Gestapo building was arranged in such a way that during the torture of the one person, others arrested people who were in the cells in the next chambers, and who were expecting reprisals, would be eye-witnesses of the tortures and the beatings. After this torture those arrested who were unconscious would be thrown aside, and the Gestapo men would by force

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grab the next victim, and again they would put it in chains and would continue to subject it to the tortures in the same manner. The torture chambers were always covered with blood. The board which was placed on the back also was covered with blood. The rubber clubs which were used to beat the arrested were red on account of blood. Arrested Soviet people doomed to shooting after unbearable torture and whippings and beatings, would be driven into a car or truck and be taken out of town and shot there. I skip more paragraphs and continue my quotation.

"The witness Tchaika Varvvaza Ivanovna was born in 1912 and was in Dzerdzinsky Street 31, Apartment 3. While she was in the Gestapo prison, she was subjected to incredibly cruel tortures carried on by the Chief of the Gestapo, Captain Vintz. During her sojourn in the prison she testified about it: "I was subjected to torture and beatings by the Chief of Gestapo, German Captain Vintz. He called me into an interrogation in the torture chambers. There were four tables in there and a chair. There were wooden rails on the floor, and two buckets of water in which were leather thongs. On the ceiling there were two rings, with ropes threaded into them, and the arrested during torture was suspended from these rings, and on order of Captain Vintz the Gestapo man placed me on a table and took all my clothes off, and then severely beat me with lashes. I was beaten twice. Altogether I received seventy-five torture lashes. My kidneys were practically split open, and I lost eight teeth." What had taken place in the Starzopak torture chambers on Dzerdzinsky Street was not exceptional at all. The same thing was being done all over. To confirm this I shall refer to the already presented document Exhibit USSR-9, communication of the Extraordinary State Commission about the depredations and tortures which were committed by the German Fascist commission in the city of Kiev.

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If the Tribunal will refer to this document on page 238, second paragraph, and again I shall quote from their excerpt, from which I begin:

"Murders were often preceded by sadistic tortures. The Archimandrite Valerian testified that Fascists used to beat the weak and sick people until half dead. They would subject them to water treatment in cold weather. Finally they would shoot them against a police wall and in torture chambers which were in the Monastery of Kiev-Petshersk." I shall direct the Tribunal's attention to the fact that the place was a monastery which was one of the most of the churches visited. It was regarded of such architectural value that it is very close to the hearts of the Soviet people and a real monument which adds greatly to Russian culture. And this police terroristic chamber was established in this monument of culture. As to the subsequent fate of this cultural monument of Russia, the Tribunal will learn from the next presentation.

Torture of the most cruel form was being carried on in the period of the German Fascist extermination in Odessa. I refer to the extraordinary communication of the Extraordinary State Commission to crimes committed by German program in the city of Odessa, and the Odessa district. I submit this to the Tribunal as USSR Exhibit number 47, and I submit it as refutable evidence in confirmation of the evidence provided by Article 21 of the chapter. I shall quote and you will find on page 282 of the document book, fourth paragraph, of the second column of the text. In this particular text there was testimony further to the Tribunal which was given. I quote it. I quote from the communication of the Extraordinary State Commission, page 282.

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The interrogator had a switch that was on the table, and when the one who was interrogated would not answer the question as the examiner wished, then the voltage was increased. The body of the one who was being interrogated would start to tremble and his eyes would start popping out.

Or the one who was interrogated would have his arms bound behind his back and would be suspended from the ceiling, and then they would start to rotate him. After having rotated him up to 200 revolutions, the victim would be rotated in the opposite direction at a tremendous speed. At that particular moment the executioners would beat him with rubber truncheons on both sides. The man would lose consciousness, not only from the tremendous speed of rotation, but also on account of the beatings.

I refer to the document already presented by my colleague, Colonel Pokrovsky, USSR Exhibit 41. That is a communication of the State Extraordinary Commission on Crimes of German Fascist Occupiers of the Territory of Latvia, Soviet Socialist Republic. I shall quote from this document. I begin on page 286 in the document book, paragraph 2, second column of the text.

"In the camps and prison, the German executioners subjected prisoners to torture, beating and shooting. In the central prison prisoners were beaten and tortured. All around were heard shouts and groans in the chambers. Daily from 30 to 35 people died because of torture. Whoever survived after torture and beating would return to his cell absolutely unidentifiable, bloody, burned, with parts of his body torn. No medical aid was given to the ones who were tortured."

The honorable members of the Tribunal can find similar statements in the text of the communication of the Commission. I shall not delay it by reciting any further evidence like this from this document.

I shall now address myself to the next section, and that is: Murder of Hostages. I shall make a few introductory remarks.

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One of the most shameful crimes on the part of the Hitlerites in Poland, Czechoslovakia and Yugoslavia, was the use everywhere by German Fascists of the bestial system of hostages. The system of hostages was introduced by Hitlerites into all countries that were victims of their aggression.

In Eastern Europe, the German criminals were especially ruthless in carrying out murder of hostages. Under that system the Hitlerites violated all laws and customs of war.

However, as regards the Soviet Union, it is difficult to speak about the murder of hostages. Since crimes were perpetrated by Hitlerites everywhere in only temporarily occupied territories of the USSR, they cannot be limited only to their system of hostage murders. Considerably the same remarks apply to Poland and especially to Yugoslavia. In those countries Hitlerites, under the pretext of the system of hostages, were really perpetrating much greater war crimes, the aim of which was the final extermination of people.

I shall present some brief excerpts concerning different countries of Eastern Europe. I submit an extract from the report of the Polish Republic. The Tribunal will find the quotation on page 128 in the sixth column of the sixth paragraph. It begins this way.

"One of the most repulsive features of Hitlerite occupation of Poland was the introduction of the system of hostages. The collective responsibility, payment of collective financial punishment, and bartering human life, were considered to be the best methods of enslaving the Polish people.

"Here are several typical cases of mass reprisals that serve as an illustration of the methods which were used by the German occupants.

"In November 1939 an unknown person set on fire a warehouse full of grain which was on the outskirts of Nove Miasto Lubavsko. The warehouse was the property of a German. As a result of this,

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a certain Sterling, who was an SS Standardtefuehrer, received an order from higher authorites to resort to reprisals. A certain number of Poles from among the most prominent citizens were arrested. Out of those, 50 were chosen and publicly shot by SS men. Among the victims were: the two brothers Jankovsky, one an attorney, the second a priest, the tailor Malkovsky, the merchant Zenny, major in the army reserve Vona, the son of a barkeeper, the publisher of a newspaper, and a priest Bronislav Dembenovsky.

"In October 1939 German authorities caught a certain number of Poles in the city of Inovroplav, and put them in prison as hostages. Then they were led into the courtyard where they were unmercifully beaten and were shot one by one. Altogether, 70 were killed, among them the city mayor and his deputy. Among the victims were the most prominent inhabitants of the town."

I omit the next sentence.

"On the 7th of March, 1941, movie actor Igo-Sym, who considered himself as belonging to the German nationality, and who was in charge of the German theaters in Warsaw, was killed in his own apartment. Even though the killers were not found, the Governor of Warsaw said that Sym was killed by Poles, and he ordered the arrest of a large number of hostages, the closing of the theaters, and he set a curfew for the Polish population.

"Hostages were taken in order to ensure the finding of the ones who were guilty of the murder. There were about 200 people arrested. Among them were teachers, clergy, physicians, attorneys and actors. The population of Warsaw was given three days to find the murderers, the killers of Sym. After the expiration of the three days, since the killers were still unknown, 17 hostages were executed, among them Professor Orkopetz, his son, and Professor Sakuchevsky."

I shall conclude the quotation from the report of the Polish Government and ask the Tribunal's permission to refer to a short extract from the report of the Czechoslovak Government. There is

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one part I would like to read into the record. The Tribunal will find it on page 141 of the document book.

I begin the quotation.

"Even before the beginning of the war, thousands of Czech patriots and especially Catholic and Protestant clergymen, lawyers, doctors, teachers and others, were arrested. Furthermore, in every district there were made lists of persons who were subject to arrest as hostages at the first indication of disorders of 'public peace and security.'

"In the beginning, in 1940, Karl Franks said in his speech to the leaders of the Movement of National Unity, that 2000 Czech hostages who were interned in concentration camps would be shot if prominent Czech statesmen would refuse to sign the declaration of loyalty. Some time after the attempt on Heydrich's life, many of these hostages were executed.

"A typical method of Nazi police terror was reprisals against the directors of factories should there be a stoppage in the work of the factory.

"In such a case in 1939 the Gestapo called in all the directors and managers of warehouses, and of different industrial firms and told them that they would be shot should there be a strike. On leaving the conference they had to sign the following declaration.

"'I know the condition that I shall be immediately shot if my factory stops production without a good reason.'

"In a similar way school teachers had to be responsible for the loyal behavior of their pupils. Many teachers were arrested only because the pupils of their schools were seized while they were writing anti-German slogans or while they were reading forbidden books."

I interrupt the quotation from the report of the Czech Government and I begin my section devoted to the murder of hostages in Yugoslavia.

By way of introduction I shall just say a few words. These criminal murders of the peaceful population in Yugoslavia acquired a special development. Here one really could not

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mention the killing of hostages even though the official documents of the Hitlerites, which will be presented to the Tribunal, mentions this term. In essence really, under the alleged murder of hostages, Hitlerite criminals on an enormous scale were carrying out or executing the regime of terroristic extermination of the peaceful population, not only the guilt of someone, but also for what, according to Hitler's way of thinking, might have been done by some people. I submit the document that confirms it.

These are excerpts from the report of the Yugoslav Government which the honorable members of the Tribunal will find on page 259 in the document book. (first paragraph) I begin the quotation:

"Murder of hostages. Murder of hostages was one of the means which were used by military organizations and the Reich Government on an unbelievable scale for mass extermination of the Yugoslav population."

The Yugoslav State Commission for Investigation of Military Crimes has in this connection an inumerable number of concrete details and original evidence from German archives. We herewith submit only a very limited number of such documents and proof, which are sufficient in number, however, to present the fact of the killing of hostages as a part of a common plan and of the methodica system of Nazi crime.

Further in the report of the Yugoslav Government there is a quotation from the order of the Commander of a so-called "West" group, which is General Brauner. The following quotation is used:

"In regions seized by partisans, seizure of hostages from all strata of the population remains in force as the only means of intimidation that really is successful."

To confirm the vast scale of the crimes of the Hitlerites in connection with the murder of hostages, the Yugoslav Gowernment submits to the Tribunal a series of documents which I am submitting to the Tribunal and I ask them to be incorporated into the record as evidence. I am submitting to the Tribunal the following documents:

1. Under USSR 318, a certified photostat of a poster of a commanding gene Commandatur in Serbia, dated 23 of December, in which he announces the shootin of fifty hostages.

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2. As USSR Exhibit Number 319, certified photostat of an announcement of the same commanding general, dated the 19 of February, 1943, in which he announces the shooting of four hundred hostages which was carried out on the same date in Belgrade.

3. As USSR Exhibit Number 320, a certified photostat of an announcement of the Regional Commandatur in Pozarevatz, dated 3 April, 1943, in which it is announced as to the shooting of seventy-five hostages.

4. As USSR Exhibit Number 321, a certified photostat of an announcement of the Regional Commandatur, dated 16 April, 1943, in which there is announced the shooting of thirty hostages.

5. A certified copy of an announcement of the Military Commandant of Belgrade dated 14 October, 1943, in which he announces the shooting of one hundred hostages. I submit the document as USSR Exhibit 322.

I continue my quotation from the report of the Yugoslav Government.

"Planned and systematic murder of hostages is revealed by the following testimony, which was collected by the Yugoslav State Commission Investigating War Crimes on the basis of confiscated German archives and data found in archives. The evidence refers only to Serbia.

"On the 3 of October, 1941 in Belgrade, there were sho 450 hostages. On the 17 of October, 1941 in Belgrade were shot two hundred hostages. On the 27 of October, 1941 in Belgrade, fifty hostages were shot. On the 3 of November, 1941, in Belgrade, one hundred hostages were shot.

"Other information reveals the enormous number of crimes in a very short period.

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"On the 12 of December, 1942, in Kraguevatz there were shot ten hostages. On the 12 of December, 1942 in Krusevatz ten hostages were shot. On the 15 of December, 1942 in Brush thirty hostages were shot. On the 17 of December, 1942 in Petrovatz fifty hostages were shot. On the 20 of December, 1942 in Brush ten hostages were shot. On the 25 of December, 1942 in Petrovatz fifty hostages were shot. On the 26 of December, 1942 in Brush there were ten hostages shot. On the 27 of December, 1942 in Krusevatz twenty-five hostages were shot."

One really could agree with the statement of the Yugoslav Government that such figures could be cited ad infinitum.

I continue my quotation.

"Shooting of hostages as a rule was conducted in a barbaric manner. More often the victims were made to stand one behind the other in groups, to wait their turn to be eye-witnesses of the execution of the preceding group. In such a consecutive manner those groups were exterminated."

I shall submit further to the Tribunal as USSR Exhibit 225, the report of the Political Administration of the Quisling Administration of Milan Nedrich, where it refers to the shooting on the 11 of December in Leskovatz of three hundred and ten hostages, out of which two hundred and ninety-three were gypsies."

I continue with the quotation of the report of the Yugoslav Government.

"Through an examination of the location and interrogation of the gypsies by the original administration investigating war crimes in Leskovatz, the following methods of carrying out this shooting was established or discovered."

Before I quote it I shall submit to the Tribunal the document which was referred to by the Government of the Czech Republic. I submit it as USSR Exhibit Number 226 and I ask to have it incorporated as evidence.

In the report of the Yugoslav Government, the following lines were used out of this document:

"On the 11 of December, 1941 from six o'clock in the morning to four o'clock in the afternoon Germans carried in their trucks arrested hostages in groups, up to twenty people in every group. All of them had their hands bound. They were taken through the foothills of the Mountain Hisar. From there

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on they were made to walk across the mountain and then stood up in ranks and near dug out graves they were shot and thrown into the graves."

THE PRESIDENT: This will be a good time to break off.

Colonel Smirnov, the Tribunal appreciates the efforts that you have made to leave out unnecessary details and to cut down the length of your address and it hopes that during the adjournment you will continue your efforts in that direction.

COLONEL SMIRNOV: Of course, I shall.

(The Tribunal adjourned until February 18, 1946, at 1000 hours.)